

53A-18-104 Testing validity of bonds to be refunded -- Procedure.

If considered advisable by the local school board, the validity of any bonds intended to be refunded may be determined in the following manner:

- (1) The board shall:
 - (a) publish a notice describing with sufficient particularity for identification the bond or bonds intended to be refunded:
 - (i) once a week for two successive weeks in a newspaper published in the school district; and
 - (ii) as required in Section 45-1-101; and
 - (b) post a notice for two successive weeks in three public and conspicuous places describing with sufficient particularity for identification the bond or bonds intended to be refunded.
- (2) The notice shall require any person objecting to the legality, regularity, or validity of the bonds, their issue or sale, or the indebtedness represented by the bonds, to appear before the board at a specified place within the district on a specified day and time.
- (3) The time may not be less than 14 nor more than 60 days after the first publication or posting of the notice.
- (4) The notice shall require the person to appear at the meeting with his objections in writing, duly verified.
- (5) The board shall convene at the time and place specified in the notice and receive all objections as prescribed in Subsection (4).
- (6) The objections shall be filed with and preserved by the board.
- (7) If no written objections are presented at the time and place specified in the notice, the board shall so certify.
- (8) All persons are then prohibited from questioning in any manner or proceeding the legality, regularity, or validity of the bond or bonds, their issue or sale, or the indebtedness represented by the bonds, and the board may then refund the bonds.
- (9) Any person filing a written objection under Subsection (4) shall, within 20 days after the filing, commence appropriate legal proceedings against the board and others as may be proper parties, in the district court for the county in which the school district is situated, to challenge and determine the legality, regularity, and validity of the bond or bonds, their issue and sale, or the indebtedness represented by them.
- (10) Failure to commence the proceedings within 20 days bars the person filing objections from questioning, in any manner or proceeding, the legality, regularity, or validity of the bond or bonds, their issue or sale, or the indebtedness represented by the bonds.
- (11) Upon proof of failure to commence proceedings, by certificate of the clerk of the court, the board may refund the bonds.

Amended by Chapter 388, 2009 General Session